

REMARKS

In the application claims 14-41 and 46 remain pending. Claim 34 has been amended to cure the informalities noted in the Office Action. Believing that the amendment to claim 34 places claim 34 into compliance with the requirements of 35 U.S.C. § 112, it is respectfully requested that the rejection of claim 34 under 35 U.S.C. § 112 now be withdrawn.

At this time, it is respectfully requested that the rejection of the claims under 35 U.S.C. § 103 also be reconsidered. In this regard, pending claims 14, 16-19, 21-25, 28, 29, 34, 36-41, and 46 stand rejected under 35 U.S.C. § 103 as being rendered obvious primarily by the combination of Lee (U.S. Patent No. 6,728,531) in view of Haartsen ("Bluetooth – The universal interface for ad hoc, wireless connectivity."

In response to the rejection of the claims under 35 U.S.C. § 103, it is respectfully submitted that Lee, when fully and fairly considered in its entirety, fails to disclose, teach, or suggest at least the base elements of the invention claimed, namely, downloading of *digital media content* from a computer system to an automotive playback device where the *digital media content* is obtained *by the computer system* from a wide area network *based on user preferences input into the computer system* and where at least a portion of the *digital media content* is obtained by the computer system based on the user defined preferences *at a time prior to the digital media content* being downloaded to the automotive playback device from the computer.

More particularly, in the Office Action the rejection of the claims appears to be hinging upon the supposed disclosure within Lee, at Col. 6, lines 27-35, that "the user programs/customizes computer 40, inherently based on user preferences, to control multimedia information to be downloaded from the Internet, thru the computer to the automotive device." It is respectfully submitted, however, that Col. 6, lines 27-35 of Lee

does not disclose, teach, or suggest the obtaining by a computer of “multimedia” from the Internet and the subsequent downloading of the “multimedia” obtained by the computer to the automotive device as is being asserted. Specifically, from a careful review of cited to Col. 6, lines 27-35 of Lee, which merely sets forth:

Remote programmable devices 40, such as a computer connected to the Internet 60, are used to download information from the Internet gateway network 30 to the multimedia device 20 in the vehicle 184. From a remote device 40, a user can customize the way audio broadcasts and personal information services are organized in the vehicle’s multimedia device 20, can request new personal information services be downloaded from the Internet gateway 30 to the multimedia device 20, and can retrieve information from the gateway 30 that he has stored there from the vehicle 184.

it is clear that Col. 6, lines 27-35 of Lee never expressly discloses or inherently discloses, i.e., i.e., “make clear that the missing descriptive matter is necessarily present in the thing described and that it would be so recognized by persons of ordinary skill” *Continental Can Co. USA v. Monsanto Co.*, 948 F.3d 1264 (Fed. Cir. 1991), that the programmable device 40 functions to obtain anything from the Internet based on any user defined preferences that are provided to the programmable device 40 or that the programmable device 40 then downloads any information obtained using any such preferences to the automotive device as is being alleged in the Office Action.

Rather than disclose these base elements of the claimed invention, it is respectfully submitted that Lee, when considered in its entirety as is required, merely discloses a system in which a user interface, comprised of user tuning preferences, is downloaded to the vehicle’s multimedia device (20), through the use of a remote programmable device (40), to thereby allow digital media content to be retrieved directly into the vehicle’s multimedia device (20) in response to a user interacting with the user interface as it is presented on the vehicle’s multimedia device (20). While the remote programmable device (40), such as a

computer connected to the Internet (60), is described as being used to download “information” from an Internet gateway network (30) to the multimedia device (20) in the vehicle (184), as noted above, Lee never sets forth that the “information” downloaded from the Internet gateway network (30) to the vehicle’s multimedia device (20) via the remote programmable device (40) is digital media content, let alone digital media content that is obtained from a wide area network based on user defined preferences input into the remote programmable device (40) as is claimed. By its plain language, Col. 6, lines 24+ of Lee only discloses that, from the remote device (40), a user can: a) customize the way audio broadcasts and personal information service channels are organized *in the multimedia device* (20), i.e., the remote device (40) is usable to configure the user interface of the multimedia device (20) by which a user causes the multimedia device (20) to retrieve content *directly* from one or more sources; b) request new personal information services be downloaded to the multimedia device (20), i.e., the user may manually download software applications into the multimedia device (20); or c) retrieve information from the gateway (30) that has stored thereon data transmitted from or stored in response to a signal received from the vehicle.

That the remote device (40) of Lee fails to be used to obtain digital media content from a wide area network based on user preferences input into the remote device (40) which retrieved digital media content is then downloaded into a system of the vehicle as claimed is further evidenced by Col. 14, lines 35+ of Lee. In this regard, Lee expressly describes that it is the vehicle’s multimedia device (20), as opposed to the remote device (40), that performs the function of obtaining digital media content which obtained digital media content is downloaded *directly* into the vehicle multimedia device (20) in response to a user interacting with the user interface of the vehicle’s multimedia device (20). Specifically, Lee describes that the vehicle multimedia device (20) receives digital media content by means of configuration data that is provided to the vehicle multimedia device to allow *the vehicle’s*

multimedia device (20) to access media content in the form of a particular local or satellite channel in response to selections by a user. In the event that the channel selected by a user is an Internet audio broadcast, the tuning program of *the vehicle's multimedia device (20)* will create a wireless Internet connection with the gateway (30) by sending a request for the media content to a designated URL. Thus, it is evident that the system of Lee, which provides to the multimedia device (20) nothing more than the programming and data needed by the multimedia device (20) to allow a user to cause *the multimedia device (20)* to directly tune to a broadcast channel, fails to disclose, teach, or suggest the system and method claimed in which digital media content is generally obtained by a computer system from a wide area network based on user preferences input into the computer system which obtained digital media content is then downloaded from the computer system to an automotive storage device.

In sum, since Lee simply fails to disclose, teach, or suggest a computer connected to the Internet via wide area gateway, where the user of that computer programs/customizes the computer to download anything from the Internet based on his/her preferences, let alone digital media, for further downloading into an automotive storage and playback device and since it has not been alleged that Haartsen discloses, teaches, or suggests the same (which it does not, i.e., Haartsen simply fails to suggest modifying Lee to include that which is missing from Lee in the first instance), it is respectfully submitted that the rejection of the claims fails to present a *prima facie* case of obviousness and must be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested.

Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

While it is not believed that any fees are due, the Commissioner is authorized to charge any fee deficiency to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;



Date: March 16, 2006

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